

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

KANDY KAY KIRBY,

Defendant.

Hon. Phillip J. Green

Case No. 1:18-mj-00307-PJG-7

ORDER OF DETENTION

This matter is before the Court on the government's motion for pretrial detention. Defendant has been charged in a criminal complaint. The complaint charges defendant with conspiracy to distribute and possess with intent to distribute methamphetamine and controlled substances in violation of 21 U.S.C. §§ 846 and 841(a)(1). Given the nature of the charges, there is a statutory rebuttable presumption in favor of detention.

The government sought defendant's detention on the basis that she is a danger to the community, 18 U.S.C. § 1342(f)(1), and that she poses a significant risk of flight, 18 U.S.C. § 3142(f)(2)(A). The Court conducted a hearing yesterday, at which defendant was represented by counsel.

Having considered the information presented at the hearing, the parties' oral submissions, and the information in the Pretrial Services Report, and for the reasons stated on the record, the Court finds that defendant has rebutted the presumption of

detention regarding risk of flight, but has not rebutted the presumption of detention as to danger to the community. The Court also finds, as explained on the record, that the government has proven by clear and convincing evidence that defendant poses a danger to the community. Further, the Court finds that there is no condition or combination of conditions that will ensure the safety of the community. Accordingly,

IT IS ORDERED that defendant is committed to the custody of the Attorney General pending trial.

DONE AND ORDERED on September 7, 2018.

Date September 6, 2018

/s/ Phillip J. Green
PHILLIP J. GREEN
United States Magistrate Judge